

{ Please amend claim 11 to read as follows: }

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11. (Twice Amended) The method of any one of claims 1, 7, 8 or 9 wherein the composition further comprises a pharmaceutically acceptable carrier or diluent.

{ Please amend claim 12 to read as follows: }

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12. (Twice Amended) The method of any one of claims 1, 7, 8 or 9 wherein the composition further comprises an adjuvant.

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REMARKS

Consideration of the application in view of the above amendments and the following remarks is respectfully requested.

Claims 1, 7-9 and 11-12 are pending in the subject application. Claims 2-6 and 10 were previously cancelled without prejudice as directed to a nonelected invention in view of the restriction requirement. Claims 1, 11 and 12 have been amended to recite that a "composition" is used. The Examiner is thanked for the suggestion in the previous Office Action. Support for the language is found, in part, at page 3, lines 15 and 18, of the subject application. Claim 1 has been further amended to clarify that the amino acid sequence is native to a non-human source and the percent sequence homology to the human self tumor antigen. Support for the language is found, in part, at page 11, line 26 to page 12, line 4; page 20, line 5; page 13, line 23; page 14, line 6; page 19, line 22; and page 10, lines 6-15, of the subject application. No new matter has been added. Therefore, claims 1, 7-9 and 11-12 remain pending.

In the previous Office Action dated August 24, 2000, claims 1, 7-9 and 11-12 remained rejected under 35 U.S.C. § 112, first paragraph. This rejection is respectfully traversed.

~~X~~ As set forth above, claim 1 (and therefore claims 7-9 and 11-12 which depend directly or indirectly therefrom) has been amended to clarify that the immunogen used has an amino acid sequence that is native to a non-human source and has at least 80% percent amino acid sequence homology to (but is not identical to) the human self tumor antigen of interest. Thus, the immunogens used are amino acid sequences of proteins that are native to (i.e., naturally occurring in) a non-human source and are sufficiently homologous to human self tumor antigens.

Nature has provided in non-human sources proteins that, although not identical in amino acid sequence to human self tumor proteins, are sufficiently related structurally to be useful as immunogens to elicit or enhance an immune response to a human self tumor antigen. For example, prostatic acid phosphatases (PAP) native to non-human sources are not identical in amino acid sequence to human PAP but are sufficiently homologous structurally for use as an immunogen to elicit or enhance an immune response to human PAP. Therefore, the teaching of the subject application, especially when taken together with the knowledge of one of ordinary skill in the art, provides ample guidance with respect to the subject matter as claimed. Accordingly, the subject application has provided sufficient guidance within the meaning of Section 112, first paragraph, for one of ordinary skill in the art to practice the claimed invention without undue experimentation.

Therefore, it is believed that this rejection under 35 U.S.C. § 112, first paragraph, has been overcome. Withdrawal of this rejection is respectfully requested.

In the previous Office Action, claims 1, 7-9, 11 and 12 remained rejected under 35 U.S.C. § 102(e) over U.S. Patent No. 5,925,362. This rejection is respectfully traversed.

As set forth above, claim 1 (and therefore claims 7-9 and 11-12 which depend directly or indirectly therefrom) has been amended to clarify that the immunogen used has an amino acid sequence of a protein that is native to a non-human source and homologous to a human self tumor antigen. U.S. Patent No. 5,925,362 neither teaches nor suggests the use in a human of an immunogen that has an amino acid sequence of a protein that is native to a non-human source and homologous to a human self tumor antigen.

Therefore, it is believed that the rejection of claims 1, 7-9 and 11-12 under 35 U.S.C. § 102(e) has been overcome. Withdrawal of this rejection is respectfully requested.

In the previous Office Action, claims 1, 7-8 and 11-12 were rejected under 35 U.S.C. § 112, second paragraph, as indefinite. Claim 1 (and therefore claims 7-8 and 11-12 which depend therefrom) was objected to on the basis of a use of the term "the" as specified at pages 3-4 of the Office Action. Claim 11 was additionally objected to based on the language "additionally including". These grounds of rejection are respectfully traversed.

As set forth above, claim 1 (and therefore claims 7-8 and 11-12 which depend directly or indirectly therefrom) has been amended to replace the objected to "the". Claims 1

and 11 have also been amended to refer to a composition in order to clarify claim 11. Claim 12 has been similarly amended for consistency.

Therefore, it is believed that the rejection of claims 1, 7-8 and 11-12 under 35 U.S.C. § 112, second paragraph, has been overcome. Withdrawal of this rejection is respectfully requested.

Therefore, in light of the amendments and remarks set forth above, Applicants believe all the Examiner's rejections have been overcome. Consideration of the application and allowance of all pending claims (1, 7-9 and 11-12) are respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "**Version With Markings to Show Changes Made.**"



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PATENT TRADEMARK OFFICE

Respectfully submitted,

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Enclosures:

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Fee Transmittal Form PTO/SB/17 (+ copy)

Petition for an Extension of Time (+ copy)

VERSION WITH MARKINGS TO SHOW CHANGES MADE

Claims 1, and 11-12 have been amended as follows:

1. (Twice Amended) A method of eliciting or enhancing an immune response to a human self tumor antigen, comprising immunizing a human being with a composition comprising a protein ~~the self tumor antigen or~~ portion thereof with an amino acid sequence native to as found in a non-human source, wherein the non-human protein antigen or portion thereof has at least 80% amino acid sequence homology to the human self tumor antigen but is not identical in amino acid sequence to the human antigen.

11. (Twice Amended) The method of any one of claims 1, 7, 8 or 9 ~~additionally including wherein the composition further comprises~~ a pharmaceutically acceptable carrier or diluent.

12. (Twice Amended) The method of any one of claims 1, 7, 8 or 9 wherein the composition further comprises ~~an adjuvant is additionally used.~~